



Att Dkt. No: IFT-5726  
BBN No.: 113959-023

*1615*  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application Of:  
James E. Kipp et al.

For: MICROPRECIPITATION METHOD  
FOR PREPARING SUBMICRON  
SUSPENSIONS

Serial No.: 09/874,499

Filed: June 5, 2001

Examiner: Simon J. Oh

Art Unit: 1615

Conf. No.: 6158

CERTIFICATE OF MAILING

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**2<sup>nd</sup> SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. 1.97, a list of documents is disclosed on the attached form PTO-1449 that may be material to the examination of this application. A copy of each of the documents is enclosed herewith for the Examiner's consideration. No inference should be drawn that the attached list represents a comprehensive investigation of the prior art; that any or all are pertinent to the invention; or that any apparatus disclosed is equivalent to the subject invention.

Applicants do not believe any additional fee is due in connection with this 2<sup>nd</sup> Supplemental Information Disclosure Statement, however, the Commissioner is hereby authorized to change any additional fees (or credit any overpayment) to Deposit Account No. 02-1818.

The identified patents and documents do not suggest or make obvious the claimed invention. Hence, allowance of the pending application is respectfully requested.

Respectfully submitted,  
BELL, BOYD & LLOYD LLC

Date: May 7, 2004

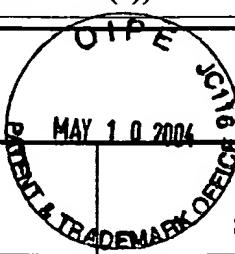
BY

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**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
(Under 37 CFR 1.97(b) or 1.97(c))**

Docket No.  
IFT-5726

In Re Application Of: James E. Kipp et al.



Serial No.  
09/874,499

Filing Date  
June 5, 2001

Examiner  
Simon J. Oh

Group Art Unit  
1615

Title: MICROPRECIPITATION METHOD FOR PREPARING SUBMICRON SUSPENSIONS

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Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

1.  The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2.  The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

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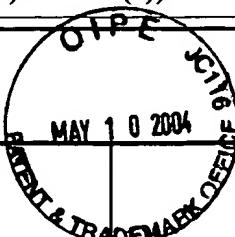
**OR**

the fee set forth in 37 CFR 1.17(p).

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
IFT-5726

In Re Application: James E. Kipp et al.



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Filing Date  
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Simon J. Oh

Group Art Unit  
1615

**MICROPRECIPITATION METHOD FOR PREPARING SUBMICRON SUSPENSIONS**

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

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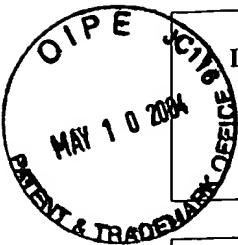
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PTO Form 1449

Atty Docket No. IFT-5726	Application No. 09/874,499
<b>Applicant</b> Kipp et al.	
Filing Date June 5, 2001	Group 1615

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document Number	Publication Date	Country	Class	Subclass	Translation	
						Yes	No
	EP 0169 618 B2	10 Nov 1993	EP			X	
	EP 0207 134 B1	17 Aug 1994	EP			X	
	EP 0275 796 B2	6 Sept 1995	EP				X
	EP 0349 428 B1	20 Jan 1993	EP			X	
	EP 0372 070 B1	15 Jan 1997	EP			X	
	EP 0377 477 B1	24 Mar 1993	EP			X	
	EP 0379 379 B1	18 Jan 1990	EP			X	
	EP 0498 482 B1	8 Sept 1999	EP			X	
	EP 0499 299 B1	16 Aug 2000	EP			X	
	EP 0517 565 B1	18 Oct 2000	EP			X	
	EP 0535 534 A1	7 Apr 1993	EP			X	
	EP 0577 215 A1	1 May 1994	EP			X	
	EP 0600 532 A2 EP 0600 532 A3	8 June 1994	EP			X	
	EP 0601 618 A2 EP 0601 618 A3	15 June 1994	EP			X	
	EP 0601 619 A2 EP 0601 619 A3	15 June 1994	EP			X	
	EP 0602 700 A2 EP 0602 700 A3	22 June 1994	EP			X	
	EP 0602 702 A1	22 June 1994	EP			X	

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	EP 0605 024 A2 EP 0605 024 A3	6 July 1994	EP			X	
	EP 0644 755 B1	19 Mar 1997	EP			X	
	EP 0720 471 B1	18 Apr 2001	EP			X	
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	EP 0752 245 B1	22 May 2002	EP			X	
	EP 0754 034 B1	22 Jan 1997	EP			X	
	EP 0788 350 B1	27 Feb 2002	EP			X	
	EP 0804 162 B1	5 Sept 2001	EP			X	
	EP 0808 154 B1	20 Dec 2000	EP			X	
	EP 0812 187 B1	2 May 2003	EP			X	
	EP 0820 300 B1	2 Apr. 1996	EP			X	
	EP 0828 479 B1	24 Oct 2001	EP			X	
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	WO 93/25190 A1	23 Dec 1993	PCT			X	
	WO 94/20072 A1	15 Sept 1994	PCT			X	
	WO 95/05164 A1	23 Feb 1995	PCT			X	
	WO 95/27482 A1	19 Oct 1995	PCT			X	
	WO 96/00567 A1	11 Jan 1996	PCT			X	

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	WO 96/14833 A1	23 May 1996	PCT			X	
	WO 96/20698 A2	11 July 1996	PCT			X	
	WO 96/24336 A1	15 Aug 1996	PCT			X	
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	WO 98/35666 A1	20 Aug 1998	PCT			X	
	WO 98/57967 A1	23 Dec 1998	PCT			X	
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	WO 99/16443 A1	8 Apr 1999	PCT			X	
	WO 99/29316 A1	17 June 1999	PCT			X	
	WO 99/30833 A1	24 June 1999	PCT			X	
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	WO 99/33467 A1	8 July 1999	PCT			X	
	WO 99/38493 A1	5 Aug 1999	PCT			X	
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	WO 00/12125 A1	9 Mar 2000	PCT			X	
	WO 00/18374 A1	6 Apr 2000	PCT			X	
	WO 00/27363 A1	18 May 2000	PCT			X	
	WO 00/30615 A1	2 June 2000	PCT			X	
	WO 00/30616 A1	2 June 2000	PCT			X	
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	WO 00/40220 A1	13 July 2000	PCT			X	
	WO 00/51572 B1	8 Sept 2000	PCT			X	
	WO 00/71079 A2	30 Nov 2000	PCT			X	
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	WO 01/85345 A1	15 Nov 2001	PCT			X	
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	WO 02/43702 A2	6 June 2002	PCT			X	
	WO 02/51386 A2	7 July 2002	PCT			X	
	WO 02/55059 A2	18 July 2002	PCT			X	
	WO 02/60411 A2	8 Aug 2002	PCT			X	
	WO 02/72070 A1	19 Sept 2002	PCT			X	
	WO 02/72071 A1	19 Sept 2002	PCT			X	
	WO 02/74282 A1	26 Sept 2002	PCT			X	
	WO 02/80883 A2	17 Oct 2002	PCT			X	
	WO 02/89773 A2	14 Nov 2002	PCT			X	
	WO 03/26611 A2	3 Apr 2003	PCT			X	
	WO 03/26611 A3						
	WO 03/35031 A1	1 May 2003	PCT			X	

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Examiner's Initials	OTHER DOCUMENTS (Including Author Title Date Pertinent Pages Etc.)
	Davis et al., "Pulmonary Perfusion Imaging: Acute Toxicity and Safety Factors as a Function of Particle Size", J.Nucl Med., Vol. 19 (1978), pp. 1209-1213.
	Schroeder et al., "Physiological Effects of Subvisible Microspheres Administered Intravenously to Beagle Dogs", Journal of Pharmaceutical Sciences, Vol. 67, No. 4, April 1978, pp. 508-512.
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	Allen et al., "Critical Evaluation of Acute Cardiopulmonary Toxicity of Microspheres", J.Nucl Med., Vol. 19 (1987), pp. 1204-1208.
	B. Sjostrom et al., "Preparation Of Submicron Drug Particles In Lecithin-Stabilized O/W Emulsions I. Model Studies Of The Precipitation Of Cholestryl Acetate", Int. J. Pharm., 88 (1992) pp 53-62.
	B. Sjostrom et al., "A Method For The Preparation Of Submicron Particles Of Sparingly Water-Soluble Drugs By Precipitation In Oil-In-Water Emulsions. II: Influence Of The Emulsifier, The Solvent And The Drug Substance", J. Pharm. Sci., 82(6), (1992) pp 584-589.
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	Volchek and Dellen, "Anaphylaxis to Intravenous Cyclosporine and Tolerance to Oral Cyclosporine, Case Report and Review", Annals of Allergy, Asthma, and Immunology, 80 (1998), pp. 159-163.
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	B. Sjostrom et al., "The Formation of Submicron Organic Particles by Precipitation in an Emulsion", J. Dispersion Science and Technology, 15(1), 89-117 (1994).
	Avanti Polar Lipids, Inc., website printout, www.avantilipids.com, "Synthetic Products – Functionalized Phospholipids: Lipids for Conjugation of Proteins/Peptides/Drugs to Liposomes" (7 pgs), March 2003.
	Avanti Polar Lipids, Inc., website printout, www.avantilipids.com, "Polymer and Polymerizable Lipids: Functionalized PEG Lipids" (3 pgs), March 2003.
	Avanti Polar Lipids, Inc., website printout, www.avantilipids.com, "Polymer and Polymerizable Lipids: Poly(ethylene glycol)-Lipid Conjugates" (8 pgs), March 2003.

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